

RESOLUTION NO. 74555

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SUMMARILY VACATING A PORTION OF MCKEE ROAD IN FRONT OF 2740 MCKEE ROAD

WHEREAS, subdivision (a) of Section 8334 of the Streets and Highways Code of the State of California authorizes the City Council to summarily vacate an excess right-of-way of a street not required for street purposes; and

WHEREAS, the City Council intends to summarily vacate a portion of McKee Road (hereinafter the "Right-of Way") constituting all that real property situated in the City of San Jose, County of Santa Clara, State of California, more particularly described as:

All that real property situate in the City of San José, County of Santa Clara, State of California described as follows:

BEING A PORTION OF MCKEE ROAD AS SHOWN ON THE MAP OF TRACT NO. 9622, RECORDED IN BOOK 780 OF MAPS AT PAGES 24 AND 25, SANTA CLARA COUNTY RECORDS, BEING A UNIFORM STRIP OF LAND 5 FEET IN WIDTH, MEASURED AT RIGHT ANGLES, LYING NORTHERLY OF THE SOUTHERLY LINE OF MCKEE ROAD, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF MCKEE ROAD, SAID POINT BEING THE NORTH CORNER OF LOT 1, AS SAID MCKEE ROAD AND LOT 1 ARE SHOWN ON SAID MAP OF TRACT NO. 9622;

THENCE FROM SAID POINT OF BEGINNING ALONG THE SOUTHERLY LINE OF MCKEE ROAD AND THE NORTHWEST LINE OF SAID LOT 1, SOUTH 49° 46' 37" WEST 150.72 FEET TO THE WEST CORNER OF SAID LOT 1, AND THE END OF THE SOUTHERLY LINE OF SAID 5 FOOT STRIP OF LAND.

CONTAINING 754 SQUARE FEET, MORE OR LESS.

WHEREAS, on June 17, 2008, the Director of the Department of Public Works approved that certain map entitled "Plat Map Showing That Portion of McKee Road To Be Vacated" showing the portion of the Right-of-Way that the City Council intends to summarily vacate (hereinafter "Map"); and

WHEREAS, attached to this Resolution as Exhibit "A" is a copy of the report, dated July 28, 2008, that the Director of the Department of Public Works submitted to the City Council setting forth the reasons justifying the summary vacation of the Right-of-Way (hereinafter "Report");

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

SECTION 1. The City Council hereby adopts the Report and, based upon the Report and all other evidence submitted, makes the following findings:

1. The Right-of-Way is an excess right-of-way of a street not required for street or highway purposes; and
2. This vacation is consistent with the City's General Plan in that the remaining roadway width will be within the design limits of the arterial designation; and
3. No public facilities are located within the Roadway that would be affected by a summary vacation; and
4. The public convenience and necessity does not require reservation of any portion of the Right-of-Way.

SECTION 2. Based upon the findings made in Section 1 of this Resolution and the provisions of Section 8334 of the Streets and Highways Code, the City Council does hereby order that the Right-of-Way shall be and hereby is summarily vacated.,

SECTION 3. The City Clerk is hereby directed to record at Santa Clara County Records this Resolution, including Exhibit "A" hereto, and the Map.

SECTION 4. The Right-of-Way will no longer constitute a public road from and after the date of recordation of the documents identified in Section 3 of this Resolution.

ADOPTED this 19th day of August, 2008, by the following vote:

AYES: CHIRCO, CHU, CONSTANT, LICCARDO, NGUYEN,
OLIVERIO, PYLE, WILLIAMS, REED.

NOES: NONE.

ABSENT: CAMPOS, CORTESE.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk